

**REMARKS**

Claim 1 is amended to include subparagraphs for clarity and to call for a compressible element having an upper end adapted for articulating attachment to the chassis and a lower end, as originally recited in claim 2, now cancelled, an articulating element having a first end rotatably attached to the control arm between the inboard and outboard ends and a second end attached to the lower end of the compressible member to form a selectively movable intermediate attachment point, as originally recited in claim 10, now cancelled, and an actuator attached to the selectively movable intermediate point for moving the selectively movable attachment point relative to the inboard and outboard ends of the control arm, as originally recited in claim 5, now cancelled.

The dependency of claims 6, 11 and 12 are amended following the cancellation of intervening claims. Also, claims 11 and 12 are amended to refer to the intermediate attachment point, consistent with the antecedent in claim 1.

Claim 13 is amended to call for an articulating element having a first end rotatably attached to the control arm between the inboard end and the outboard end and a distal end, as originally recited in claim 14, now cancelled, and to recite that the linear actuator includes a first end thereof operatively attached to the intermediate attachment point and a second end thereof operatively attached to the control arm, as originally recited in claim 17, now cancelled.

The dependency of claims 15 and 16 are amended following the cancellation of intervening claims. Claim 18 is amended to refer to the actuator, consistent with claim 13 upon which it is dependent.

Claim 20 is amended to more particularly point out that the suspension apparatus includes an articulating element, a compressible suspension element and an actuator having features similar to those recited in claim 13.

*Objection to the Drawings*

An objection was made to the drawings as failing to depict an actuator having attached to the chassis, as recited originally in claims 8 and 19.

In view of the cancellation to the claims, it is requested that the objection be withdrawn, and that the drawings be accepted.

*Claim Rejection under 35 USC § 112*

Claims 1, 3-4, 6-7, 11-13, 15-18, and 20 were rejected under 35 USC § 112 as being confusing with respect to the location of the intermediate attachment point. Claims 1, 13 and 20 are amended to call for an articulating member and to more particularly point out that the intermediate attachment point is part of the articulating member.

Claim 18 was also rejected and is amended to refer to an actuator, consistent with claim 13 upon which it is dependent.

In view of the amendments, it is requested that the rejection be withdrawn.

*Claim Rejection based on Melcher*

Claims 1, 3-4, 6-7, 11-13, 15-18, and 20 were rejected under 35 U.S.C. § 102(e) as anticipated by United States Patent No. 6,805,362, issued to Melcher in 2004.

Referring to Fig. 3A, Melcher describes a suspension apparatus that includes, as main elements, a control arm 36, a shock absorber 48, an actuator arm 54 and a motor 51 see col. 5, beginning at line 27. The inboard end of the control arm is connected to the actuator arm at a second connection 72. The shock absorber 48 is connected to the actuator arm at a third connection 75. It is significant that the inboard end of the control arm is not connected to the chassis. As a result, movement of the actuator arm causes the control arm 36 to move, col. 5, lines 38-40. Moreover, the motor causes the third connection to move from a point above the control arm to a point below the control arm, col. 5, lines 56-66. In contrast, in Applicant's suspension apparatus, the control arm is attached to the chassis. The actuator is attached to the intermediate point and moves the intermediate point relative to the inboard and outboard ends of the control arm. Melcher does not attach the control arm to the chassis and does not contemplate moving the third connection to the shock absorber inboard or outboard relative to ends of the control arm. Thus, Melcher does not anticipate Applicant's invention.

Claim 1 is directed to Applicant's suspension apparatus that includes a control arm having an inboard end adapted for attachment to the chassis. In accordance with the claim, an articulating element has a first end attached to the control arm between the

inboard and outboard ends of the control arm and a second end attached to the lower end of the compressible member to form an intermediate point. Claim 11 further calls for an actuator attached to the intermediate point for moving the point relative to the inboard and outboard ends of the control arm. In Melcher, the inboard end of the control arm is not attached to the chassis and the actuator arm is attached to the control arm at the end. As a result, the inboard end moves when the motor is actuated, and the connection point to the shock absorber moves up-and-down relative to the control arm, not in and out relative to the ends of the control arm, as in Applicant's invention. Thus, Melcher does not teach, or even suggest, Applicant's suspension apparatus in claim 1.

Claims 3, 4, 6, 7, 11 and 12 are dependent upon claim 1 and so not taught or suggested by Melcher at least for the reasons set forth with regard to that claim.

Claim 13 is also directed to Applicant's suspension apparatus, similar to claim 1, and calls for a control arm having an inboard end attached to the chassis, in contrast to the inboard end in Melcher, which is not attached to the chassis. Also, the claim calls for an articulating member attached to the control arm between the inboard and outboard ends, whereas the actuator arm in Melcher is attached at the inboard end of the control arm. Further, the claim calls for an actuator that moves the attachment point relative to the inboard and outboard ends of the control arm. In Melcher, the motor moves both the control arm and the connection to the shock absorber so that the connection moves above and below the control arm. Still further, the actuator in the claim includes a first end attached to the intermediate attachment point and a second end attached to the control

arm. In Melcher, the motor is connected to the actuator arm, but not to the control arm. Thus, Melcher does not teach or suggest Applicant's apparatus in claim 13, or in claims 15, 18 dependent thereon.

Claim 20 is directed to Applicant's method that includes connecting the wheel to the chassis with a suspension apparatus similar to claim 13. For the reasons herein, Melcher does not teach or suggest the method in claim 20.

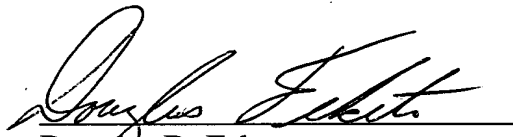
Accordingly, it is respectfully requested that the rejection of the claims based upon Melcher be reconsidered and withdrawn, and that the claims be allowed.

*Conclusion*

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", is written over a horizontal line.

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